

REMARKS

I. Introduction

Claims 1-58 are pending in this application.

Claims 3, 4, 8, 15, 23, 25 and 27-37 were withdrawn from consideration.

Claims 1, 2, 26, 38, 39 and 40 are amended. Claims 8 and 53 have been canceled.

Claims 1, 2, 5-7, 9-14, 16-22, 24, 26, and 38-52, and 54-58 remain subject to examination.

Favorable consideration is respectfully requested in light of the foregoing clarifying amendments and the following remarks.

II. Claim Rejections Under 35 U.S.C. § 102

Claims 1, 5, 6, 9-11, 16, 17, 19, 20, 22, 24, 38, 41, 42, 44, 46-49, 51, and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated independently by U.S. Patent No. 4,649,704 (**Marsh**), U.S. Patent No. 3,918,498 (**Schneider**), or U.S. Patent No. 6,418,970 (**Deul**).

Independent claims 1 and 38 have been amended to specifically recite that the respective hermetic sealing devices comprise a bellows device. As acknowledged in the prior Action, Marsh, Schneider, and Deul do not provide “*bellows structure to the pistons*.”

Applicant respectfully submits that the rejection of claims 1, 5, 6, 9-11, 16, 17, 19, 20, 22, 24, 38, 41, 42, 44, 46-49, 51, and 52 under 35 U.S.C. § 102(b) are overcome as none of the cited references individually disclose or suggest all of the limitations recited in the claims as amended. *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Withdrawal of the rejections under § 102(b) is therefore respectfully requested.

III. Claim Rejections Under 35 U.S.C. § 103

A. Claims 2, 7, 26, 39, 40, 54, and 55

Claims 2, 7, 26, 39, 40, 54, and 55 were rejected under 35 U.S.C. §103 as being unpatentable over Marsh, Schneider, or Deul in view of U.S. Patent No. 6,412,476 (**Thompson**).

Again, Marsh, Schneider or Deul fail to disclose, teach or suggest providing bellows structure. Thompson is cited for the proposition that it is known to provide an accumulator chamber with a piston 22 and with a sealing structure in the form of a bellows structure 26,28 to create chamber 20 (for pressurized gas or air), “where the use of the bellows structure can replace the need for seals on the piston which produce drag.”

Among other things, Thompson does not disclose or suggest the use of a metal bellows member/diaphragm. Rather, Thompson merely discloses that “*diaphragms 26, 28 are made from a durable corrosion-resistant material such as a polymer or nylon material*” in the “*preferred embodiment*.” No other types of “*selectively expandable diaphragms*” are disclosed or noted.

B. Claims 2, 7, 26, 39, 40, and 53-58

Claims 2, 7, 26, 39, 40, and 53-58 were rejected under 35 U.S.C. §103 as being unpatentable over Marsh, Schneider, or Deul in view of U.S. Patent No. 5,141,412 (**Meinz**) in view of the teachings of Thompson.

Again, Marsh, Schneider or Deul fail to disclose, teach or suggest providing bellows structure. Meinz is cited for the proposition that it is known to provide a chamber with dual pistons connected by a bar. In addition to the distinctions previously noted and already of record with respect to Thompson, Applicant notes that the bar 13 disclosed by Meinz enters what could arguably be defined as a lower-depicted balancing chamber. Moreover, Meinz specifically requires the use of seals 5,6 to seal the piston rod from the associated chambers. Because claims 2, 7, 26, 39, 40 and 53-58 all depend, directly or indirectly, from independent claims 1, 26, or 37, applicant submits that the rejection is overcome.

C. Claims 14, 18, 21, 43, 45, and 50

Claims 14, 18, 21, 43, 45, and 50 were rejected under 35 U.S.C. § 103 as being unpatentable over Schneider or Deul.

Claims 14, 18, 21 ultimately depend from independent claim 1, and claims 43, 45, and 50 ultimately depend from independent claim 38. Because independent claims 1 and 38 are in condition for allowance for at least the above-recited reasons, claims 14, 18, 21, 43, 45, and 50 are also in condition for allowance for at least the same reasons.

Withdrawal of all § 103 rejections is also respectfully requested.

IV. Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. Moreover, because the arguments advanced herein may not be exhaustive, there may be additional reasons for patentability with respect to any or all of the pending claims that have not been expressed.

For all of the above reasons, Applicant submits the claims are now in proper form, and that the application is now in condition for allowance. Such action is respectfully solicited.

If for any reason the application is not believed to be in full condition for allowance, the Examiner is earnestly requested to contact the undersigned.

Respectfully submitted,

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